

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11964 of 2015

Arising Out of PS.Case No. -33 Year- 2012 Thana -JAMUI District- JAMUI

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Manoj Kumar Agarwal @ Manoj Agarwal @ Manoj Kr. Agarwal son of
Late Kailash Prasad Agarwal R/o Mohalla - Mundichak , P/s - Tilkamanjhi,
District - Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the State : Mr. Gulnar Begum, APP

For the informant : Mr.Md.Nazmul Hoda, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 26-05-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Section 302/34 of the Indian Penal Code as also under Section 27 of the Arms Act.

Though the petitioner is named in the first information report vide Annexure-1 as an accused, but taking into consideration the fact that the entire prosecution version against the petitioner is based on suspicion and surmises on account of previous animosity, his prayer for bail is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jamui in connection with Jamui P.S.Case No. 33 of 2012, subject to the following conditions:

(A) one of the bailors must be a government servant or close family member or close relation of the petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(D) if the petitioner after release on bail pursuant to this order hurls any threat either to the informant or any member of the prosecution party or he makes an effort to tamper with the prosecution evidence, then the informant shall be at liberty to file an application before the court below for cancellation of bail and if the allegation made by the informant is found to be true, then the learned court below shall be entitled to cancel his bail bonds.

(Birendra Prasad Verma, J)

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